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Attorneys for Creditor Bank of America, N.A.,
successor by merger to LaSalle Bank National
Association, as trustee for the registered
holders of GMAC Commercial Mortgage
Securities, Inc., Commercial Mortgage Pass-
Through Certificates, Series 2003-C1, acting
by and through CWC Capital Asset Management
LLC, Special Servicer

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

HORIZON RIDGE MEDICAL &
CORPORATE CENTER, LLC,

Debtor.

Bankruptcy No.: BK-S-12-13906-btb

Chapter 11

Date: N/A

Time: N/A

**BANK OF AMERICA, N.A., AS TRUSTEE'S OBJECTION TO DEBTOR'S
EX PARTE APPLICATION FOR ORDER SHORTENING TIME TO
HEAR DEBTOR'S EMERGENCY MOTION TO STAY PENDING APPEAL
OF THE ORDER CONFIRMING LENDER'S LIQUIDATION PLAN**

Bank of America, N.A., successor by merger to LaSalle Bank National Association, as
trustee for the registered holders of GMAC Commercial Mortgage Securities, Inc., Commercial
Mortgage Pass-Through Certificates, Series 2003-C1, acting by and through CWC Capital Asset
Management LLC, Special Servicer ("*Lender*"), by and through its undersigned counsel, hereby

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BANK OF AMERICA, N.A., AS TRUSTEE'S OBJECTION TO DEBTOR'S EX PARTE
APPLICATION FOR ORDER SHORTENING TIME TO HEAR DEBTOR'S EMERGENCY MOTION
TO STAY PENDING APPEAL OF THE ORDER CONFIRMING LENDER'S LIQUIDATION PLAN

1 objects to Debtor's Ex Parte Application for Order Shortening Time to Hear Debtor's Emergency
2 Motion to Stay Pending Appeal of the Order Confirming Lender's Liquidation Plan [Docket No.
3 458] (the "*Application*"), and respectfully states as follows:

4 On the date of the filing of this Objection, the Debtor has filed (i) its Emergency Motion for
5 Stay Pending Appeal of the Order Confirming Lender's Liquidation Plan [Docket No. 452] (the
6 "*Motion for Stay*"), (ii) three separate declarations in support of its Motion for Stay [Docket Nos.
7 453-55], (iii) its Application, which seeks an order shortening time to hear the Motion for Stay, and
8 (iv) its Ex Parte Application for Order Authorizing Filing of Appraisal Containing Proprietary
9 Information Under Seal Pursuant to 11 U.S.C. § 107(b)(1), FED. R. BANKR. P. 9018, and Local Rule
10 9018 [Docket No. 456] (the "*Motion to Seal*"). The Motion for Stay is twenty pages, the maximum
11 length allowed under the Local Rules without separate leave of Court. The Motion for Stay contains
12 numerous arguments and citations. It is also accompanied by the three separate declarations, totaling
13 eleven pages, and the Motion to Seal.

14 Notwithstanding this voluminous filing, the Debtor is requesting that the Motion for Stay be
15 heard on shortened notice. In the Application, the Debtor argues that a stay of this Court's Order
16 confirming the Lender's Plan (an Order that was entered on January 3, 2014, over two months ago)
17 is needed before the May 14, 2014 auction of its property, and that the proposed sale is creating
18 disruption among the tenants and operations.

19 Although the Lender does not believe the Debtor is entitled to a stay, it does understand why
20 the Debtor seeks to have its Motion for Stay heard before the May 14, 2014 auction date, and does
21 not object to a hearing on the Motion for Stay prior to May 14, 2014. However, the Lender does
22 object to an order shortening time and the Debtor's characterization of the Motion for Stay as an
23 "emergency motion." There is no "emergency" here that requires an order shortening time. Any
24 hearing before May 14, 2014 would be sufficient to address the Debtor's concerns.

25 As for any alleged disruption among the tenants and operations, the Debtor has provided no
26 detail as to what this could be, what events are actually occurring as a result of the scheduled sale,
27 what damage is occurring as a result of the scheduled sale, how any alleged disruption would be
28

1 alleviated through an emergency hearing, or how any alleged disruption would not otherwise be
2 alleviated by a hearing on any date that is not set on shortened time.

3 On the other hand, the Lender would be prejudiced if it is not given sufficient time to respond
4 to the Motion for Stay. As stated above, the Motion for Stay is twenty pages and full of argument.
5 There are also three separate declarations. It would be unjust to deny the Lender adequate time to
6 read, analyze, research, and respond to the Debtor's filings. This is particularly true here where the
7 Debtor has simply made a vague reference to "disruption" as reason to deny to the Lender time.

8 **WHEREFORE**, the Lender respectfully requests that this Court deny the Application, set the
9 Motion for Stay on a normal briefing and hearing schedule, and grant such other and further relief as
10 the Court deems appropriate.

11
12 DATED: March 10, 2014

DUANE MORRIS LLP

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14 By: /s/ John Robert Weiss
John Robert Weiss

15 **Attorneys for Bank of America, N.A., successor by**
16 **merger to LaSalle Bank National Association, as**
17 **trustee for the registered holders of GMAC**
18 **Commercial Mortgage Securities, Inc.,**
19 **Commercial Mortgage Pass-Through Certificates,**
20 **Series 2003-C1, acting by and through CWC Capital**
21 **Asset Management LLC, Special Servicer**